

IN THE HIGH COURT OF JUDICATURE AT BOBBY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4374 OF 2004

Deepak Rajendra Dhende ..Applicant.

V/s.
The State of Maharashtra .. Respondent.

Shri Nitin H. Sejpal for the Applicant.
Shri V.B. Konde Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 04.11.2004

PC :-

. Heard the learned counsel for the parties.
Perused the record.

2. The prosecution case is that the incident in question took place at around 12 0 clock, in the midnight between 25th January, 2004 and 26th January, 2004. Indeed, the two witnesses claim to have seen the applicant while assaulting the deceased. However, according to the applicant at the relevant time around 12 0 clock in the midnight between 25th and 26th January, 2004, he was in the Mira Road Police Station, registereing N.C. complaint in respect of the incident which took place between him and Ramesh Singh, Kamalesh Singh and Shivbachan Singh within the jurisdiction of that police station, which is atleast

4 kilometer away from the place of incident. It is seen from the N.C. complaint as registered by the applicant that it was lodged at 00/10 hours. In this backdrop, it is submitted that assuming that the applicant must have immediately left the place when the incident in question was already over by that time. If the prosecution case was to be accepted as it is, prima facie, there is substance in the submission canvassed by the applicant. If it is so, at this stage, the Applicant deserves to get the benefit. Besides, the Applicant is in custody since January, 2004 and there is no prospect of early disposal of the trial. Accordingly, the applicant deserves to be enlarged on bail on following conditions :-

i) The applicant is enlarged on bail in connection with C.R.No. I-36/2004 registered with Mira Road Police Station, on executing personal bond in the sum of Rs.25,000/- (Rs. Twenty -Five thousand only) with one or two local sureties in the like amount.

ii. The applicant shall not enter the jurisdiction of Mira Road Police Station

during the pendency of the trial.

iii. The Applicant shall inform the place of residence, where he intends to reside within one week from the date of his release on bail to the investigating officer as well as to the trial court.

iv. The Applicant shall regularly report to the nearest police station from his residence once in a fortnight on Saturday of every english calendar month between 10 a.m. to 1 p.m.

v. The applicant shall co-operate for early disposal of the trial. If the trial court is of the opinion that the applicant is unnecessarily delaying the trial, that fact be recorded in the Rozanama, which can be a ground for cancellation of the bail.

vi. The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

3. Order accordingly.

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